

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KING MWASI,

Plaintiff,

v.

LUCKEN, *et al.*,

Defendants.

Case No. 1:21-cv-00702-JLT-BAM (PC)

ORDER REGARDING MOTION FOR
RECONSIDERATION AND DIRECTING
PLAINTIFF TO FILE SUPPLEMENTAL
BRIEF

(ECF No. 80)

TWENTY-ONE (21) DAY DEADLINE

Plaintiff King Mwasi (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This matter was originally set for a pretrial conference on October 14, 2025, and a jury trial on December 16, 2025.

On May 13, 2025, the Court issued a second scheduling order directing Plaintiff to file his pretrial statement on or before September 2, 2025. (ECF No. 80.) Plaintiff failed to file a pretrial statement in compliance with the Court’s order. Based on that failure, on September 8, 2025, the Court ordered Plaintiff to show cause by written response why this action should not be dismissed, with prejudice, for failure to obey the Court’s order and for failure to prosecute. (ECF No. 83.) Having not received a response to the show cause order, the Court dismissed the action, with prejudice, on September 30, 2025. (ECF No. 86.) Judgment was entered accordingly on the same date. (ECF No. 87.)

Currently before the Court is Plaintiff’s motion for extension of time to file an answer as

1 to why the action should not be dismissed. (ECF No. 88.) The Court did not receive Plaintiff's
2 motion for an extension of time until after entry of judgment. (ECF No. 88.) The Court therefore
3 will construe Plaintiff's request as a motion for reconsideration of the Court's final order and
4 judgment. *See* Fed. R. Civ. P. 59(e), 60(b); Local Rule 230(j).

5 The Court finds that the information contained in Plaintiff's motion is not sufficient to
6 determine whether reconsideration or relief from judgment should be granted. Plaintiff identifies
7 his current pain and difficulties with movement and writing, indicating he has suffered from
8 several cysts/boils for over a month. (ECF No. 88 at 1-2.) However, Plaintiff does not assert
9 these difficulties as the reason for failing to file a pretrial statement or for failing to prosecute his
10 case. Plaintiff also claims that he "[f]iled a motion/brief 2 months ago," (*id.* at 1), but this claim
11 is not substantiated by the record in this action, (*see* docket). Nevertheless, because Plaintiff
12 references "other problems" for which "he will explain details in few days," the Court will hold
13 the motion for reconsideration in abeyance pending receipt of further briefing from Plaintiff.

14 Accordingly, Plaintiff is HEREBY ORDERED to file his supplemental brief in support of
15 the motion for reconsideration **within twenty-one (21) days** of the date of service of this order.
16 Defendants shall file any response **within fourteen days (14)** of Plaintiff supplemental brief. **If**
17 **Plaintiff fails to file a timely supplemental brief in accordance with this order, then the**
18 **motion for reconsideration will be summarily denied.**

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20 IT IS SO ORDERED.

21 Dated: October 8, 2025

22 /s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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